

State Vs. Gagandep Singh

Present:- Ms. Manju Bala, Ld. APP for the State assisted by Sh. Arush Thakur, Advocate counsel for the complainant.
Sh. Vinay Sharma, Advocate counsel for the applicants/accused.

ORDER:

1. Ld. Counsel Sh. Vinay Sharma, Advocate for the accused/applicants namely Gagandeep Singh @ Sunny and Angrej Singh have filed an application for amendment of bail application and made averments that due to inadvertence and typographical error while drafting bail application, in the head note, 'Pre-arrest bail' was mentioned instead of 'Regular bail'. Notice of this application is given to the state through Ld. APP who has not filed written reply, but has orally contested present application. Heard. In view of averments made in application for amendment in the head note, the same stands allowed. The amended head note has been filed on behalf of applicants/accused. Same is taken on record.
2. Further, today the case is fixed for consideration on the present bail application. On the previous date, the complainant/alleged victim had appeared through her counsel who filed his power of attorney.
3. Notice of the present bail application was given to the prosecution through Ld. APP and police report from the concerned SHO/IO was sought. The police report is placed on record. The present bail application is opposed by Learned APP for the state along with Ld. Counsel for the complainant/victim, who have not filed written reply, but have orally contested the same.
4. Ld. APP for the state Ms. Manju Bala assisted by Sh. Arush Thakur, Advocate counsel for the complainant has argued that in the present case. The FIR has been registered against the accused persons due to atrocities committed by the accused/applicants on the complainant and her family. It has been argued that vide GD No.11, dated 03.05.2026, Sections 62, 64, 304 and 351 (3) of BNS, 2023 were added against the accused persons. However, vide GD entry No. 18, dated 08.08.2026, Sections 62, 64 and 304 BNS, 2023 were deleted and Section 74 BNS, 2023 was added. Later on, the accused/applicants namely Gagandeep Singh @ Sunny and Angrej Singh were arrested and produced in the Court on 10.08.2026 and thereby this Court has sent the accused/applicants to Judicial custody till 24.08.2026. Ld. APP for the state along with Ld. Counsel appearing on behalf of complainant have vehemently argued that the present applicants/accused, if released on bail, can commit

further crime and also advance threat to the complainant/alleged victim or her family. It has been contrarily pleaded that the prayer of accused/applicants of bail, may kindly be dismissed.

5. Ld. Counsel Sh. Vinay Sharma, Advocate for the accused/applicants has argued that the present FIR is registered on false and baseless allegations whereby the accused/applicants are innocent and have been wrongly implicated in this case. It has also been argued that the present FIR and other false litigations are mere tactics of the prosecution/complainant to put pressure on the applicants/accused and on their family as the actual dispute is with regard to multiple pending civil suits between the parties whereby the complainant and her family has unnecessarily dragged the accused/applicants in false cases along with this present FIR. It has been vehemently argued that it is the complainant and her family who are at fault and are the aggressors in the present whereas the applicants/accused persons along with their family are the victims who have suffered various injuries to which the police agency has kept blind eye. It is also argued that there is no such evidence which can show that the accused/applicants are at fault. Further, averments have been made that the applicants/accused persons, contrary to submissions by prosecution and police, are no more required by the police for the purpose of any sort of investigation qua the said FIR No. 29, dated 15.04.2026. It is further submitted that they have already been joined in investigation and as such, no recovery is made from the accused/applicants that is produced on record. It is averred that their presence and custody in Jail is no more required for the purpose of investigation. At last, prayer has been made to allow the present bail application as the applicants/accused are in custody since 10.08.2026 and no purpose will be served by keeping them in continuous confinement.

6. I have heard the Ld. APP for the state and the learned counsels for the parties on the present bail application moved by applicant/accused persons.

7. Accused/applicants namely Gagandeep Singh @ Sunny and Angrej Singh have been arrested U/s 115 (2), 117(2), 190, 191 (3), 351 (3), of BNS, 2023 and Section 64, 62, 304, 351(3), of BNS, 2023 (added later on vide G.D. No. 11 dated 03.05.2026) and Section 62, 64, 304 of BNS, 2023 (deleted vide G.D. No.18 dated 08.08.2026) and Section 74 of BNS, 2023 (added later on vide G.D No. 18 dated 08.08.2026) registered at P.S. Shahpurkandi, Pathankot. In the present FIR, the applicants/accused persons have been arrested and joined into investigation however, no recovery has been affected from them. It is considered view of the Court that in the present FIR challan

has not been presented yet and the proceedings may take long time to conclude. Further, it is well known general legal principle of Indian Criminal Jurisprudence that '*bail is rule and jail is an exception*'. Hence, this Court of the view that no useful purpose will be served by keeping the accused/applicants in custody, rather, it will be a burden on the State Exchequer. In totality of facts and circumstances and also the nature of dispute, the accused/applicants namely Gagandeep Singh @ Sunny and Angrej Singh are admitted to bail on furnishing bail bonds in the sum of ₹ 1,00,000/- each with one surety in the like amount. Further bail is hereby being granted to accused/applicants subject to following conditions :-

- (i) That they shall not jump over the bail or tamper with the prosecution evidence nor shall try to win over the witnesses.
- (ii) That they shall join investigation and appear before the authority as and when required by the police.
- (iii) That they shall not leave the country without prior permission of the court.

Bail application stands disposed of, accordingly. The bail bonds and surety bonds furnished by accused/applicants, which are accepted and attested. Release warrants be issued immediately. Papers be attached with the remand paper and be put up, again as and when challan is presented.

Note:- Ahlmad is directed, as per directions issued by **Hon'ble Supreme Court of India in SMWP (Criminal) No.4/2021**, to send intimation of this bail order to concerned Superintendent, Jail authorities, where applicants/accused persons are lodged, through email and also physically for providing information to applicants/accused persons and concerned authority.

Date of Order: 14.08.2026
Deepak Kumar, *SG-III*

(Arvind Singh)
Judicial Magistrate - Ist Class,
Pathankot
UID No . PB00787